Department of Justice

FOR IMMEDIATE RELEASE
TUESDAY, SEPTEMBER 9, 1958

Attorney General William P. Rogers made public today the following letters:

September 7, 1958

Honorable Dean Dauley
City Manager
Little Rock, Arkansas

Dear Mr. Dauley:

As you know, the Supreme Court on September 11, 1958, will hear arguments on whether the Little Rock Central High School should open on a non-segregated basis on September 15, 1958. Because of the possibility that the Supreme Court may affirm the decision of the Eighth Circuit Court of Appeals it seems desirable that careful plans should be made now by responsible officials to prevent disorder or violence in the event of such affirmance.

With this objective in mind, the purpose of this letter is to say that the Department of Justice and its representatives in Little Rock, the United States Attorney and the United States Marshal for the Eastern District of Arkansas, are ready to cooperate fully with the City of Little Rock and the Little Rock Police within the limits of our respective responsibilities.

The Department of Justice has made arrangements for the temporary expansion of the present staff of the United States Marshal's Office. It is important that this action should not be misconstrued or misunderstood by anyone. It is not the purpose of the Marshal to assume, substitute for, or in any way intrude upon the primary responsibility of the state and its subdivisions to maintain peace and order.

Our federal-state system of government necessitates both state and national authorities in the same geographical area at the same time, each operating in their proper sphere of responsibility. The presence of one should not affect the duty or limit the responsibility of the other. The history of our Republic has made clear, too, the wisdom of reposing the primary duty for the preservation of peace and order permanently with the state authorities. Because of this fact the United States Marshal and his deputies do not propose to serve as peace officers, but plan to perform their proper functions to assist in the execution of the orders of the United States Courts and to do it cooperatively in a way which will be helpful to you.

By effective use of the city police, other law enforcement officers of the state and locality, with the cooperation of the Department of Justice as indicated, it is hoped that mob violence and disorder may be prevented. Surely our national interest requires all public officials who have responsibility in this matter to strive earnestly and resolutely to that end.

The United States Marshal, and other officers of this Department as may be appropriate, are ready to confer with you at your earliest convenience in an effort to work out mutually satisfactory plans within our areas of responsibility.

With kind regards,

Sincerely,

/s/ William P. Rogers

Attorney General

September 7, 1958

Mr. Wayne Upton
President, Little Rock School Board
Little Rock, Arkansas

Dear Mr. Upton:

In view of the short period of time between the hearing scheduled for September 11 in the Supreme Court of the United States and the opening of Little Rock Central High School scheduled for September 15, I thought it might be helpful if I wrote to you now. In view of the possibility that the Supreme Court may affirm the decision of the Eighth Circuit Court of Appeals and vacate the order of Judge Lemley, it seems advisable to consider steps which might be taken to prevent obstruction of the orders of the District Court and in the hope of preventing an outbreak of violence.

You will recall that the Court of Appeals, in its recent opinion in the matter, said:

> "We do observe, however, that at no time did the Board (Little Rock School Board) seek injunctive relief against those who opposed by unlawful acts the lawful integration plan, which action apparently proved successful in the Clinton, Tennessee and Hoxie, Arkansas situations."

In view of this observation by the Court and because such a course of action might be effective in preserving order, I am sure that the School Board will want to consider seeking such relief. Recognizing the problems which confront the School Board in this connection, the purpose of this letter is to advise you that the Department of Justice is prepared to give its cooperation and to assist in any way which may be helpful to you in making the suggested application to the District Court.

I realize the position the School Board is maintaining before the Supreme Court, and this letter is not an attempt to affect that position in any way. It is written rather in the hope, whatever the

contingency, that with careful, advance planning by responsible officials concerned each will be able effectively to perform the solemn duties imposed on him by law, and that violence and disorder, which are so harmful to the national interest, may be thus prevented.

Officers of the Department of Justice will be ready to confer with you, your counsel, or any representative or representatives of the Little Rock School Board, as soon as it is convenient for you.

Sincerely,

/s/ William P. Rogers

Attorney General